IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 540 of 2006

Dhirendra Mohan Badola S/o Sri Harikrishan Badola
R/o Village Motadhang Talla
P.O. Sitabpur, Kotdwara
District Pauri Garhwal ... Applicant

Vs

1. State of Uttaranchal through
   Secretary (Home), Dehradun
2. Darshan Singh Bhandari
   S/o Late Sri Amar Singh Bhandari
   R/o Village Srikot Gangnali, Srinagar
   District Pauri Garhwal ... Opp. Parties

Sri G.S. Negi, learned counsel for the applicant.
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant for quashing the proceedings of Criminal Case No. 933 of 2002, Darshan Singh Vs Dhirendra Mohan under Section 138 Negotiable Instrument Act, 1881 which is pending in the court of Chief Judicial Magistrate, Pauri, District Pauri Garhwal.

2. Learned counsel for the petitioner was granted time to file supplementary affidavit. Today, I perused the supplementary affidavit filed by the learned counsel for the petitioner.

3. Perusal of the order dated 14.08.2003, passed by he Special Judicial Magistrate, Srinagar Garhwal shows that the matter was fixed for the statement of the accused under Section 313 Cr.P.C. for 28.08.2003. It further reveals that the petitioner thereafter preferred a revision against the aforesaid order dated 14.08.2003 and after dismissal of the revision, the

petitioner again approached to this Court for quashing the further proceedings of the criminal case stated above by way of the petition under Section 482 Cr.P.C.

3. As the matter is already at the fag end before the trial court, it appears that the petitioner is intending to linger on the proceedings pending before the trial judge by way of taking one pretext or the other. The interest of the petitioner appears to be to delay the proceedings pending before the trial judge.

4. Learned counsel for the petitioner has submitted before this Court that his defence has not been considered by the trial court. The stage of adducing the defence evidence will come after the statement of the accused to be recorded under Section 313 Cr.P.C. and whatever the defence the petitioner intends to produce before the Court, he may adduce the same before the trial court.

5. I do not find any abuse of process of the court. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition under Section 482 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

24.07.2006
ASWAL